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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,221	03/29/2001	John T. Orchard	15685P081	6069
8791	7590 01/16/2004		EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN			LAU, TUNG S	
	HIRE BOULEVARD, SEVE LES. CA 90025	NTH FLOOR	ART UNIT PAPER NUMBER	
	,		2863	
			DATE MAILED: 01/16/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.



<u></u>						
¥ .	Application No.	Applicant(s)				
Advisory Action	09/823,221	ORCHARD, JOHN	T.09823221			
	Examiner	Art Unit				
	Tung S Lau	2863				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address						
THE REPLY FILED 28 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.						
PERIOD FOR REPLY [check either a) or b)]						
a) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.						
2. The proposed amendment(s) will not be entered because:						
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);						
(b) ☐ they raise the issue of new matter (see Note below);						
(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or						
(d) they present additional claims without canceling a corresponding number of finally rejected claims.						
NOTE: 3. Applicant's reply has overcome the following rejection(s):						
4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment						
canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the						
application in condition for allowance because: <u>See Continuation Sheet</u> . 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly						
raised by the Examiner in the final rejection.						
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.						
The status of the claim(s) is (or will be) as follows:						
Claim(s) allowed:						
Claim(s) objected to:						
Claim(s) rejected:						
Claim(s) withdrawn from consideration:						
8. ☐ The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner.						
9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)						
10. Other:						

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments filed 10/28/2003 have been fully considered but they are not persuasive.

A. Applicant argues that the prior art does not show the 'to determine whether an operating system or an application has operational control of display of the computing device'. Reichlen discloses 'to determine whether an operating system or an application has operational control of display of the computing device' in (Col. 2-3, Lines 35-54).

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404 05, 162 USPQ 541, 550 1 (CCPA 1969).

John Barlow
Supervisory Patery Examiner
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